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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/749,766	11/20/96	METCALF	R 2155.0103

  

EXAMINER	
LM51/0105	

  

ART UNIT	PAPER NUMBER
2743	6

**DATE MAILED:** 01/05/98

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This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

**OFFICE ACTION SUMMARY**

☒ Responsive to communication(s) filed on 10/21/97

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 to 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murry in view of Paroutaud. <sup>5315060</sup><sub>Los</sub>

Murry discloses a sound system for capturing and reproducing sounds, comprising: means for separately receiving sound produced by a sound source (56-59); means for converting the separately received sounds to a plurality of separate audio signals without mixing the audio signals (outputs from 56 to 59); means for separately storing the plurality of separate audio signals without mixing the audio signals (55); means for separately retrieving the stored audio signals (channels 1 to 4); an amplification network comprising a plurality of amplifier means and a loudspeaker network comprising a plurality of loudspeaker means (60 to 63); a dynamic controller for dynamically controlling the loudspeaker network and the amplification network (col. 11, lines 55 to 63). Murry does not disclose that the receiving sounds are produced by the plurality of sound sources.

Paroutaud discloses a sound system for capturing and reproducing sound, comprising means for separately receiving sounds produced by the plurality of sound sources (111 and 112 of fig. 1). Since Paroutaud has disclosed receiving sounds produced by the plurality of sound sources, it would have been obvious to combine Paroutaud's teaching with Murry because the

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four microphones which has been disclosed by Murry would be able to pick up the plurality of sound sources as disclosed by Paroutaud.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Oh whose telephone number is (703) 308-6741.



**MINSUN OH HARVEY  
PRIMARY EXAMINER**

December 29, 1997